



American Payphone, Inc.

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DEC 13 2004

December 8, 2004

Federal Communications Commission
Office of the Secretary

EX PARTE COMMUNICATION

Chairman Michael Powell
Federal Communications Commission
The Portals
445 12th Street, S.W., TW-A325
Washington, DC 20554

ORIGINAL

Re: Access to Unbundled Network Elements, WC Docket No. 03-225

Dear Chairman Powell:

I am writing to urge you, in taking action on the pending revision of the Unbundled Network Element (UNE) rules, to ensure that payphone companies like mine continue to have competitive alternatives for their local service needs.

My company employs 3 people. Revenues are continuing to spiral downwards. In the last few years, we have had to remove a large number of our payphones from service because their revenue was insufficient to meet operating costs.

Cell phones have become as ubiquitous as frying pans. However, that does not mean that there are not still millions of Americans that rely upon payphones for their primary communication needs.

I can stay in business if you allow UNE-P to compete with the major carriers. If they are eliminated, then my 15 year old company will not be far behind.

The only competitive alternative that has proved effective to date is UNE-P. Without UNE-P, the American public is sure to lose more of the valuable payphone services they need and rely on today.

Therefore, I urge you to take steps to ensure that the FCC's revised UNE rules preserve competitive local service alternatives for payphones. Thank you for your consideration.

Sincerely,



**J. Stephen Smith, President
American Payphone, Inc.**

cc: **Senator Kay Bailey Hutchison
Senator John Cornyn
US Rep. Lamar Smith**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY